

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6722

BILL NUMBER: SB 388

NOTE PREPARED: Dec 30, 2012

BILL AMENDED:

SUBJECT: Election Matters.

FIRST AUTHOR: Sen. Miller Pete

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
☐ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *Class C Infraction-* The bill provides that a member of a county election board or a board of elections and registration who expresses support for, or opposition to, a candidate for an elected office in a manner that could reasonably be expected to convey that support or opposition to another individual, excluding the member's spouse or an individual residing in the member's household, commits a Class C infraction.

Absentee Ballot Voting in Person- The bill provides that a voter casting an absentee ballot in person at a location in a county courthouse who is in line to vote or has not completed the act of voting when the hour for closing the courthouse occurs shall be permitted to vote unless otherwise prevented according to law.

Effective Date: July 1, 2013.

Explanation of State Expenditures:

Explanation of State Revenues: *Class C Infraction-* If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. The maximum judgment for a Class C infraction is \$500, which is deposited in the state General Fund.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1),

and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Explanation of Local Expenditures: *Absentee Ballot Voting in Person*-The provision could potentially lengthen the workday of election officials within the county clerk's office during the days in-person absentee ballot voting is allowed.

Explanation of Local Revenues: *Class C Infraction*- If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees.

If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Persons found guilty of a felony or misdemeanor are also required to pay the following fees that are deposited in local funds: the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies, county election boards, county voter registration offices, county clerk's office.

Information Sources:

Fiscal Analyst: Chris Baker, 317-232-9851.